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One Man's Quest to Make Information Free

By [Brendan Greeley](#) on April 12, 2012

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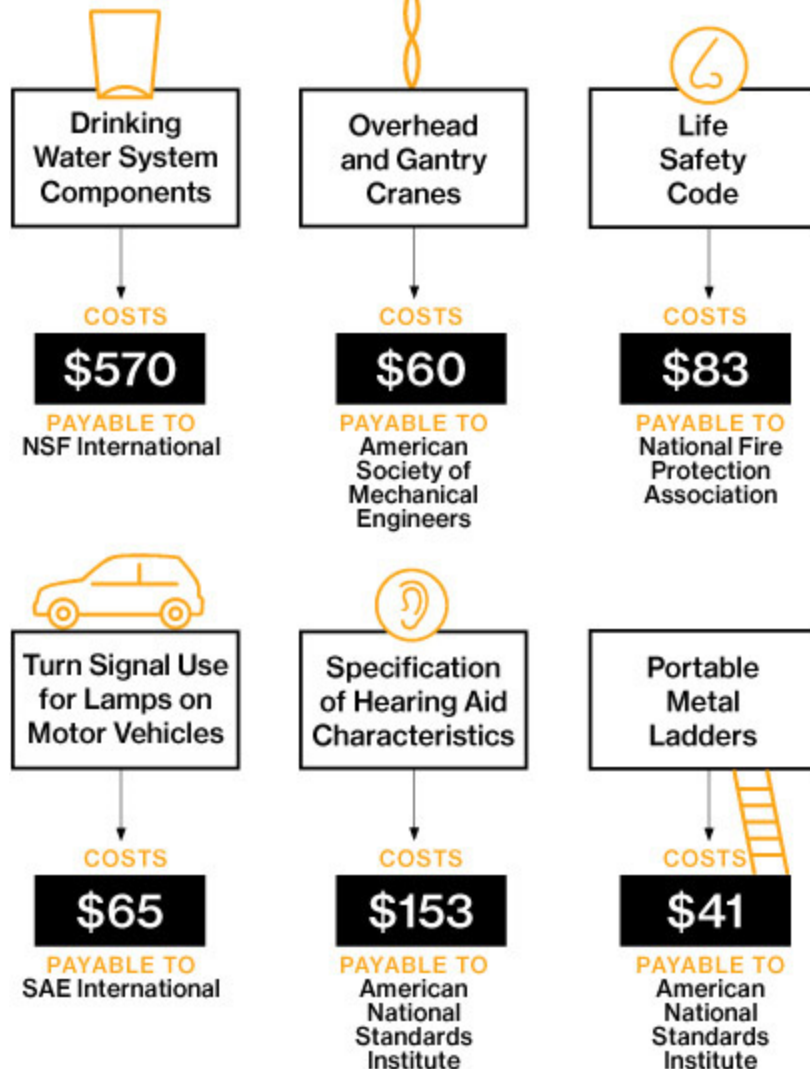
Carl Malamud once told a senior official at the Securities and Exchange Commission that he wanted to put the agency's filings online. "I just don't think people who use the Internet are going to be interested in this stuff," Malamud remembers the official saying in 1993. Malamud bought all the filings and put them online anyway, using a computer borrowed from his friend Eric Schmidt. (Yes, that Eric Schmidt.) About a year later, he took them down. That prompted more than 17,000 day traders, investment clubs, and business school professors to beg the agency for free Web access to its records. You might know it today as the SEC's "Edgar" database.

More than 15 years after that stunt, Malamud is still making the same argument: If you make government information free and easily accessible, there's no telling who'll start using it or what good ideas will spring up. "Every time I put something online there's a huge audience," says Malamud, founder of Public.Resource.Org, a nonprofit that advocates for government transparency. "The industry guys think the only audience is industry types and Ralph Nader."

Now Malamud's taking on the best practices for construction, industry, and manufacturing. They're written by hundreds of nonprofits known as "standards development organizations." About 3,000 of these standards are referenced but not fully spelled out in federal law. Let's say you're building a hospital for the Department of Veterans Affairs. Federal law says you need to follow the "Life Safety Code," a set of rules on how to prevent fire, smoke, and toxic fumes from injuring tenants. To get a print copy of the code you'd have to send a payment of \$82.95 to the National Fire Protection Association, which wrote it. Malamud argues that the code is a law—and therefore part of the public domain—and should be distributed freely. NFPA maintains that it holds a copyright on its standard.

Getting the Specs

Nonprofits write construction and manufacturing standards, some of which get incorporated into federal law. You've got to pay to get the details:



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Malamud is forcing the issue. Last month he bought and copied 73 different standards and boxed them with American flag packing tape. He sent the packages to the 10 organizations that wrote the standards to “put them on notice” that he plans to publish the specs online beginning in May. He’s been doing something similar over the last five years with state building codes, gradually uploading them to the Web after a federal appeals court ruled they’re part of the public domain. Not one standards organization has sued him to uphold its copyright on those codes. Malamud is hoping for the same result with the federal standards. “We are very serious about doing this and intend to see it through to completion,” he says.

Sound arcane? Malamud's mission will spur investment, says Stephen Schultze, the associate director of Princeton University's Center for Information Technology Policy, who's worked on similar projects with him in the past. "You'll have a round of innovation," says Schultze. "Other people will find ways to make [the information] easily searchable and create guides for businesses—plumbers and electricians." Or how-to apps on building to code for homeowners.

There's an economic case for copyrights. It's expensive to develop good standards—you need panels of engineers, industry representatives, and consumer advocates weighing in. Some organizations recoup their costs by charging to test products for manufacturers and granting their seal of approval; others rely on selling standards to make ends meet. "This source of revenue gives us great independence," says Jim Shannon, president of the NFPA. "We don't want the industries to pay for standards. Then there will be industry-dominated standards."

Malamud doesn't argue with that. But charging for public information "comes up against this brick wall," he says, "which is the U.S. Constitution."

The bottom line: *An activist for open government says unlocking the paywall on open information will spur innovation.*

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